

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

IN RE: TAFT,

Case No. 2:13-cv-01357-JCM-CWH

**FINDINGS AND**  
**RECOMMENDATION**

Plaintiff submitted a Notice of Appeal (#1) on July 30, 2013. On April 29, 2014, the Court entered an Order noting that Plaintiff failed to submit a motion/application to proceed *in forma pauperis* or pay the filing fee to commence this action for over 270 days. (Order #2.) The Court ordered the Clerk of the Court to send Plaintiff the appropriate prisoner affidavit form and granted him 30 days to complete the application. Further, the Court noted that a preliminary screening of Notice (#1) indicates that subject matter jurisdiction does not exist. Plaintiff failed to submit a completed application or pay the \$400.00 filing fee by the May 29, 2014 deadline. Having been warned that failure to do so would result in a recommendation that this action be dismissed, the Court will now recommend such action.

Based on the foregoing and good cause appearing therefore,

**RECOMMENDATION**

**IT IS HEREBY RECOMMENDED** that this action be **dismissed** for failure to file a completed application to Proceed *in Forma Pauperis* or pay the filing fee by May 29, 2014.

**NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual

1 issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt*  
2 *v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

3 DATED this 9th day of June, 2014.

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6 **C.W. Hoffman, Jr.**  
7 **United States Magistrate Judge**  
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